

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ZACK PUTMAN,

Plaintiff,

v.

No. 1:22-cv-01144-JDB-jay

CAPTAIN THOMAS LANGFORD,

et al.,

Defendants.

ORDER GRANTING PLAINTIFF'S REQUEST FOR VOLUNTARY DISMISSAL OF
FEDERAL CLAIMS AND DISMISSING CASE IN ITS ENTIRETY WITHOUT PREJUDICE

This action was initially brought in the Circuit Court for Dyer County, Tennessee, by the pro se Plaintiff, Zack Putman, against the Defendants, Captain Thomas Langford; the City of Dyersburg, Tennessee; Mayor John Holden; Willie Cole; James Baltimore; Ricky Hammond; Dennis Moody; Mary Claire Hopper; and Chief Steven Isbell, on June 6, 2022. (Docket Entry ("D.E.") 1-2.) The complaint alleged violation of Putman's rights under the Fourteenth Amendment pursuant to 42 U.S.C. § 1983, as well as state law claims for intentional infliction of emotional distress. On July 5, 2022, the Defendants removed the matter to this Court on 28 U.S.C. § 1331 grounds.¹ In a filing docketed July 14, 2022, Plaintiff sought an order from the Court granting voluntary dismissal of his § 1983 claims in accordance with Rule 41(a) of the Federal Rules of Civil Procedure. (D.E. 8.)

¹Section 1331 provides that "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

The rule provides for voluntary dismissal of an action at a plaintiff's request "on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). As it appears to the Court that Putman no longer wishes to pursue his § 1983 claims, his request for voluntary dismissal thereof is GRANTED.

This leaves Plaintiff's supplemental state claims for intentional infliction of emotional distress pending before the Court. Under 28 U.S.C. § 1367(c), "district courts may decline to exercise supplemental jurisdiction over a claim . . . if . . . the district court has dismissed all claims over which it has original jurisdiction[.]"² Courts in this circuit have noted that, "when a federal court dismisses all pending federal claims before trial, . . . it is usually best to allow the state courts to decide state issues." *Kowall v. Benson*, 18 F.4th 542, 549 (6th Cir. 2021), *petition for cert. docketed* (U.S. Feb. 1, 2022) (No. 21A382); *see also Southard v. Newcomb Oil Co., LLC*, 7 F.4th 451, 455 (6th Cir. 2021) ("Once a federal court no longer has federal claims to resolve, it should not ordinarily reach the plaintiff's state-law claims."); *Royal Truck & Trailer Sales & Serv., Inc. v. Kraft*, 974 F.3d 756, 763 (6th Cir. 2020) (recognizing the "settled rule that when a district court dismisses all claims over which it has original jurisdiction . . ., it may also dismiss any state-law claims before it based on supplemental jurisdiction"), *cert. denied*, 141 S. Ct. 2753 (2021). As the federal claims in this matter have been voluntarily dismissed herein, Plaintiff's state law claims are also DISMISSED.

²In addition to the original jurisdiction bestowed by § 1331, *see supra* n.1, the district courts have original jurisdiction over civil actions in which there is diversity of citizenship pursuant to 28 U.S.C. § 1332. However, it does not appear from the record that the instant action is between citizens of different states. *See* 28 U.S.C. § 1332(a).

IT IS SO ORDERED this 19th day of July 2022.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE